REMARKS

Claims 1-12 and 16-31 are pending, with claims 21-30 being withdrawn from consideration. By this amendment, claims 1, 4, 19, 21 and 31 are amended, and claims 13-15 are canceled.

Item 2 of the Office Action rejects claims 1 and 31 under 35 USC §112, second paragraph. Claims 1 and 31 are amended to recite that the portion of sample material is deposited without any part of the sample transfer device positioned adjacent the sample material-separating from the sample transfer device, and without any part of the sample transfer means positioned adjacent the sample material separating from the sample transfer means, respectively. That is, Applicant is amending the claims to definitively recite that no portion of the sample transfer device/means is separated from the sample transfer device/means for sample deposition. Accordingly, withdrawal of the 35 USC §112, second paragraph, rejections of claims 1 and 31 is requested.

Item 3 of the Office Action rejects claim 4 under 35 USC §112, second paragraph. Claim 4 is amended to recite that the adjacent layers are constructed and arranged to move in response to illumination from the illumination beam. Accordingly, withdrawal of the 35 USC §112, second paragraph rejections of claim 4 is requested.

Item 4 of the Office Action rejects claim 13 under 35 USC §112, second paragraph. However, claim 13 is canceled, rendering this rejection moot.

Item 6 of the Office action rejects claims 1-3, 5-20 and 31 under 35 USC §102(b) over U.S. Patent 6,423,966 to Hillenkamp. This rejection is respectfully traversed. Also, Item 7 of the Office Action indicates the claim 4 would be allowable if rewritten in independent form and to overcome the 35 USC §112, second paragraph discussed above. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter.

Claims 1 and 31 are amended to incorporate some of the features of allowable claim 4. Specifically, claim 1 is amended to recite a sample transfer device that receives the illumination

arranged to move in response to suitable illumination incident on the sample transfer device. Claim 1 also recites a controller that causes the illumination source to illuminate the sample transfer device and thereby cause the portion of the sample transfer device to move, movement of the portion of the sample transfer device causing at least a portion of the sample material carried by the sample transfer device to be controllably separated from the transfer device and deposited on a work surface. Similarly, claim 31 is amended to recite a sample transfer means for carrying a sample material, the sample transfer means including a portion that moves in response to suitable illumination incident on the sample transfer means, and means for causing the portion of the sample transfer device to move so that at least a portion of the sample material is separated from the sample transfer means and deposited on a work surface in response to illumination of the illumination beam.

In much the same way that Hillenkamp does not teach adjacent layers of transparent material and opaque material that are constructed and arranged to move in response to illumination from the illumination beam as set forth in allowable claim 4, Hillenkamp does not disclose a sample transfer device including a portion constructed and arranged to move in response to suitable illumination incident on the sample transfer device. See, for example Fig. 3 of this application which shows a portion of a sample transfer device 1 moving in response to illumination to separate a portion of the sample material.

Hillenkamp does not describe an arrangement in which a sample transfer device, that carries a sample, moves in response to illumination so that a portion of the sample is controllably separated from the device and deposited on the work surface. This is especially true in view of the other requirement in claims 1 and 31 that the sample separation/deposition occurs without any part of the sample transfer device adjacent the sample separating from the device. For example, at col. 4, line 60 to col. 5, line 25, Hillenkamp describes that the sample 2 is released from the substrate 3 (a foil or glass slide) by "desorption," which apparently is a process by which the sample 2 is released in a plume 4 into a surrounding vacuum. Hillenkamp does not describe that sample material is released by way of movement of a portion of the substrate 3 or other sample holder – in fact, the desorption mechanism is said by Hillenkamp to be not well understood. (See col. 5, line

16.) Clearly, if sample material was separated from the substrate 3 based on movement of a portion of the substrate 3, Hillenkamp would well understand the process. Also, Hillenkamp does not deposit sample material onto a work surface as recited in claims 1 and 31. Instead, Hillenkamp releases material in a plume into a surrounding vacuum.

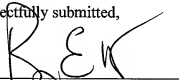
In view of the foregoing, Applicant submits that claims 1 and 31, and claims 2-12 and 16-20 which depend from claim 1, are allowable. As noted previously, claim 31 is a linking claim that links the claims 1-12 and 16-20 with claims 21-30. Accordingly, upon allowance of claim 31, Applicant expects the withdrawal of the restriction requirement and consideration of claims 21-30 (which should be allowable for at least the same reasons as claim 31).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Dated: March 12, 2008

Respectfully submitted,



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